



Legislative Research Council

Rules Review Committee Agenda

Representative Timothy Johns, Chair
Senator Mike Vehle, Vice Chair

Three hundred forty-sixth meeting
Tuesday
December 16, 2014

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Department of Human Services
2361 Dakota Ave. S.
Huron, South Dakota

Mitchell Technical Institute
1800 E. Spruce, Room TC 155
Mitchell, South Dakota

SD School of Mines & Technology
501 E. St. Joseph St., Room CB 109
Rapid City, South Dakota

University Center
4801 N. Career Ave., Room FADM 145
Sioux Falls, South Dakota

**Agencies are asked to have a representative present at the meeting
to give background information on their rules.**

9:00 a.m. CDT Call to order, roll call, approval of minutes, and staff report
8:00 a.m. MDT

Review of proposed rules

Representative Johns

Department of Education: Board of Education – Amend rules to create consistent language between teacher and principal evaluation rules in regard to the summative effectiveness rating; and establish a process by which principals must be evaluated by the 2016-2017 school year.

Senator Vehle

Department of Agriculture: Division of Agricultural Services – Amend rules to maintain interstate shipment of milk and milk products as determined by FDA Milk Safety Branch and update references.

Department of Corrections – Amend a rule to give Tribal Parole Agents, hired pursuant to the tribal parole project, the authority to detain parolees for the purpose of preventing escape and enforcing discipline on parolees.

Department of Corrections: Board of Pardons and Paroles – Amend rules to align rule content with recent statutory changes regarding attendance at parole hearings, victim notice, procedures for parole with insufficient evidence of program directive compliance,

parole to other jurisdictions and indeterminate sentences; establish a process for an expedited pardon application for minor offenses; and clarify that the Parole Board can impose an inmate's suspended sentence for institutional rule violations and/or for failing to participate in required programming.

Department of Game, Fish and Parks – Amend rules that would modify the "diver-down flag requirements" by changing flag size requirements and restricting diver-down flags from being placed in areas that would restrict watercraft navigation; adjust the nonrefundable application fee for elk, mountain goat, and bighorn sheep from \$5 to \$10; prohibit baiting from March 15 through May 31, inclusive, and create an exception for research activities conducted by the Department; offer residents 85 less one-tag "male turkey" licenses and 340 less two-tag "male turkey" licenses for the Prairie Units; offer nonresidents 10 more one-tag "male turkey" licenses and 28 less two-tag "male turkey" licenses for the Prairie Units; correct unit boundary descriptions for BST-BH1 (Black Hills) and PST-53A (Perkins County); remove the archery restriction west of Interstate 29 in Brookings County; remove the split seasons in Clay and Union counties; add Lincoln County to the restricted area where a person may use only a shotgun using shot shells, muzzleloading shotgun, or bow and arrow; reduce the number of archery turkey access permits valid for Good Earth State Park from 10 to 5, and repeal Unit PST-ZZ1; modify the definition of "Inland waters"; add a definition for "snag hook" and modify the definition of "snagging" accordingly; allow the use of artificial lights for fishing, and allow for the liberalized take of silver carp and bighead carp that jump into a boat or that can be netted using a dip net; change the channel catfish daily and possession limits on Nebraska border waters; correct the county references for Hanson Lake and Curlew Lake; clarify the manner in which paddlefish taken below Gavin's Point Dam are to be measured for purposes of the established length restriction; modify the rules pertaining to areas open to the spearing of game fish; prohibit the harvest of mussels for noncommercial purposes; require listing all wild animal (including amphibians, reptiles, and invertebrates, and parts thereof) specimen collection requests on applications for scientific collector's permits; add all wild animals (including amphibians, reptiles, and invertebrates, and parts thereof) to the list of specimens for which limits on the number of specimens and special conditions and provisions can be established.

Department of Game, Fish and Parks – Amend a rule to authorize statewide spearing of game fish, open boundary waters to seasons that match adjoining states spearing laws, make the season the same as hook and line, open January 1 and end the last day of December, and allow the taking of all species of fish except those that are protected.

Senator Bradford

Department of Revenue: Division of Property and Special Taxes – Amend rules to clarify the requirements for the renewal of certified appraiser assessor certificates, revise the requirements for maintaining the professional designation of a "Certified Appraiser Assessor," update the requirements for testing and retesting courses at annual assessor schools, and update manuals and price of manuals to the current version that must be used by assessors in calculating the value of non-residential and residential property.

Representative Gibson

Department of Environment and Natural Resources: Water Management Board – Amend Surface Water Quality rules to update legal and technical references; add, modify, and

delete definitions; set site-specific total suspended solids criteria for the Cheyenne River and water temperature criteria for streams in the Black Hills Trout Management Area; and update toxic pollutant criteria to be consistent with U.S. Environmental Protection Agency criteria to include establishing a standard for methylmercury at 0.3 mg/kg in fish flesh; reformat a chapter to a single table to reduce the number of pages and words; add Lake Alexander in Pennington County, an unnamed lake west of Bristol in Day County, and Antelope and Indian Springs Lakes in Clark County; correct typographical errors; assign immersion recreation use to the North Fork Grand River and a segment of the South Fork Grand River; update the segment breaks to reflect current highway designations for American Crow Creek in Lyman County, Hidewood and North Deer Creeks in Deuel County, and Bear Butte Creek in Meade County; remove the seasonal coldwater marginal fish life propagation use from Fall River in Fall River County and extend the warmwater permanent fish life propagation use for Fall River from the Cheyenne River to its confluence with Cold and Hot Brook Creeks; change the coldwater marginal fish life propagation use to warmwater permanent fish life propagation for both Cold and Hot Brook Creeks in Fall River County; remove the immersion recreation use from a segment of Spring Creek in Pennington County; and add the immersion recreation use to sections of the North Fork and South Fork Grand River in Perkins and Harding Counties.

Department of Health: State Board of Dentistry – Amend rules to allow a dental hygienist, advanced dental assistant or dental assistant that holds a permit to monitor patients under general anesthesia and deep sedation or moderate sedation to inject medication through an intravenous site while under personal supervision of a dentist that holds a permit to administer general anesthesia and deep sedation or moderate sedation and to update sedation and anesthesia rules to require that any dentist that administers moderate sedation or provides dental services to patients under moderate sedation ensure that the office in which the work is performed has pulse oximetry and electrocardiogram display and require that any dentist that administers general anesthesia and deep sedation or provides dental services to patients under general anesthesia and deep sedation ensure that the office in which the work is performed has pulse oximetry, electrocardiogram display, precordial stethoscope and measurement of EtCO₂ (capnography).

Department of Social Services: Division of Child Support – Amend rules to update certain terminology to reflect current language and practice.

Representative Hajek

Department of Labor and Regulation: Board of Accountancy – Amend rules to update continuing professional education criteria to include the word count formula and update references.

Senator Hunhoff

Department of Health: Division of Health and Medical Services – Amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel and ensure NBS specimens will not be used for any purpose other than for newborn screening for which that they were collected and remove language conflicting with current protocols and stand operating procedures for the services of a centralized designated contract laboratory for newborn screening.

Department of Health: Division of Health Systems Development and Regulation – Amend a rule to provide additional optional services for assisted living centers to assist residents dependent on dining assistance and to allow to provide assistance to complete activities of daily living up to total assist and to turn and raise in bed and to transfer.

Department of Health: Board of Chiropractic Examiners – Amend rules to update requirements for individuals not immediately seeking licensure after graduation; modify requirements for activating an inactive or lapsed chiropractic license; establish a rule for activating a lapsed chiropractic radiographic and chiropractic assistant certificate; modify continuing education requirements for chiropractic radiographic and chiropractic assistant certifications; and update reference material for peer review process.

Department of Health: Board of Examiners in Optometry – Amend rules to increase the annual renewal fee; add to the listing of procedures approved as within the scope of practice of optometry; and adopt rules for a complaint investigation process.

4:00 p.m. Adjourn

* Breaks will be at the call of the chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission. Copies may also be available at <https://rules.sd.gov/default.aspx>.

Members: Representative Timothy Johns (Chair); Senator Mike Vehle (Vice Chair); Senators Jim Bradford and Jean Hunhoff; and Representatives Peggy Gibson and Anne Hajek.

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